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An Act To Promote School Attendance and Increase School Achievement
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1, sub-§2-A, ¶C, as enacted by PL 2007, c. 667, §3, is amended to read:

C. Is habitually truant; or

Sec. 2. 20-A MRSA §1, sub-§24-D is enacted to read:

24-D. Response to intervention team. "Response to intervention team" means a team designated by a principal or the principal's designee to develop and implement a method of intervention or interventions developed in accordance with the requirements set forth in section 4710 that are designed to provide early, effective assistance to children who have difficulty learning.

Sec. 3. 20-A MRSA §1001, sub-§8-A is enacted to read:

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process proceedings.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents or legal guardian and the student of:

(a) The date, time and location of the hearing;

(b) A description of the incident or incidents that occasioned the expulsion hearing and the exhibits and testimony the superintendent intends to introduce at the hearing with sufficient specificity to allow the student to present a defense;

(c) The student's and parents' or legal guardian's right to review the school records prior to the hearing;

(d) A description of the hearing process;

(e) An explanation of the consequences of an expulsion; and

(f) The student's right to appeal the decision of the school board to the Superior Court within 30 days; and

(2) Invite the parents or legal guardian and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

B. At a hearing on the expulsion:

(1) The student has the right to present and cross-examine witnesses;

(2) The student has the right to an attorney or other representation;

(3) Witnesses must be sworn in and the chair of the hearing has the authority to swear witnesses in; and

(4) The school board shall maintain a record of the hearing.

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents or legal guardian and the student by certified mail, return receipt requested, or by delivery in hand. The notice of the school board's written decision must include findings of fact, conclusions of law, information on the student's right to appeal the decision to the Superior Court within 30 days and a reentry plan developed in accordance with subsection 9-C.

Sec. 4. 20-A MRSA §1001, sub-§9, as amended by PL 1997, c. 298, §1, is further amended to read:

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, the school board shall expel any student:

A. Who is deliberately disobedient or deliberately disorderly;

B. For infractions of violence;

C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;

D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or

E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student has 30 days to appeal a decision of the school board to the Superior Court. A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur and that the student has met the requirements of the reentry plan developed in accordance with subsection 9-C. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

Sec. 5. 20-A MRSA §1001, sub-§9-C is enacted to read:

9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this subsection.

A. The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents or legal guardian to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

B. The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents or legal guardian of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

C. If the student and the student's parents or legal guardian do not attend the meeting under paragraph B, the reentry plan must be developed by school staff.

D. The reentry plan must be provided to the parents or legal guardian and the student in writing.

E. The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

F. The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

Sec. 6. 20-A MRSA §1001, sub-§15-A is enacted to read:

15-A. School disciplinary policies. Prior to the 2012-2013 school year and with input from educators, administrators, parents, students and community members, a school board shall adopt districtwide school disciplinary policies consistent with the student code of conduct developed under subsection 15. The districtwide school disciplinary policies must:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior;

B. Focus on evidence-based, positive and restorative interventions rather than set punishments for specific behavior and avoid zero-tolerance practices unless specifically required by federal or state laws, rules or regulations;

C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand;

D. Use suspensions and expulsions as a last resort in order to avoid learning disruption for students; and

E. Provide written notice to the parents or legal guardian of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.

Sec. 7. 20-A MRSA §3271, sub-§3, ¶C, as enacted by PL 1985, c. 490, §8, is amended to read:

C. A person who has been adjudged ~~an habitual~~ truant and has been excused from attendance pursuant to procedures established by the commissioner.

Sec. 8. 20-A MRSA §3272, sub-§1, as enacted by PL 1985, c. 490, §8, is repealed.

Sec. 9. 20-A MRSA §3272, sub-§2, as repealed and replaced by PL 2007, c. 304, §1, is amended to read:

2. Truancy. A person is ~~habitually~~ truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or

B. The person is required to attend school or alternative instruction and is at least 7 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

Sec. 10. 20-A MRSA §3273, sub-§1, as repealed and replaced by PL 2007, c. 304, §3, is amended to read:

1. Civil violations. A parent who has control of a person who is ~~habitually~~ truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

Sec. 11. 20-A MRSA §5001-A, sub-§1, as enacted by PL 1983, c. 806, §49, is amended to read:

1. Requirement. Persons ~~76~~ years of age or older and under ~~17~~20 years of age shall attend a public day school during the time it is in regular session through high school graduation or equivalency.

Sec. 12. 20-A MRSA §5001-A, sub-§2, as amended by PL 2009, c. 330, §§1 to 3, is further amended to read:

2. Exceptions. Attendance at school ~~shall~~may not be required of the following:

A. A person who ~~graduates from high school before that person's 17th birthday~~has reached the age of majority and met with the superintendent to discuss the decision to withdraw from school;

B. A person who has:

(1) Reached ~~the age of 15~~16 years of age or completed the 9th grade;

(2) ~~Permission~~Obtained permission to leave school from that person's parent or legal guardian;

(3) Been approved by the principal for a suitable program of work and study or training;

(3-A) Has met with the superintendent or the superintendent's designee to discuss the decision to withdraw from school; and

(4) ~~Permission~~Obtained permission to leave school from the school board or its designee; and

(5) ~~Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner;~~

D. A person who has matriculated and is attending an accredited, ~~post-secondary~~postsecondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or

E. A person enrolled in an online learning program or course.

Sec. 13. 20-A MRSA §5031, sub-§1, as enacted by PL 2009, c. 626, §1, is amended to read:

1. Goal. It is the goal of the State to achieve a graduation rate of 90% by the end of the 2015-2016 school year for each publicly supported secondary school. In addition to calculating the 4-year adjusted cohort graduation rate following the procedures outlined in 34 Code of Federal Regulations, Section 200.19, the department shall also calculate and record for each publicly supported secondary school:

A. Beginning with the graduation rate reported for school year 2010-2011 and for each school year thereafter, the 5-year adjusted cohort graduation rate;

B. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, the 6-year adjusted cohort graduation rate; and

C. Beginning with the graduation rate reported for school year 2010-2011 and for each school year thereafter, other descriptors of academic success for school-age students on a statewide aggregate basis, including the rates of attainment of a:

(1) Department of Education diploma as described under section 5161;

(2) High school equivalency diploma as described under section 257; and

(3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult education program as described in chapter 315.

The department shall adopt rules specifying that the methods used to calculate publicly supported secondary school graduation rates through the 2015-2016 school year must include calculations for 5-year and 6-year adjusted cohort graduation rates under paragraphs A and B and other descriptors of academic success under paragraph C.

Sec. 14. 20-A MRSA §5051-A, as amended by PL 2007, c. 304, §§5 to 7, is further amended to read:

§ 5051-A. Truancy

1. Truant. A student is habitually truant if the student is subject to section 5001-A and is at least 6 years of age and has not completed grade 12 and has the equivalent of 10 cumulative full days of absences or 5 consecutive school days of absences, excused or otherwise, during a school year.

~~B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or~~

~~C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.~~

2. Procedures; written notice; referral. This subsection governs the procedure to be followed when a student is habitually truant.

~~A. If a principal of a public school and the attendance coordinator determine that a student is habitually truant, the principal shall inform the superintendent. The superintendent or the superintendent's designee shall first try to correct the problem informally. Informal attempts to~~

~~correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and develop a plan to implement solutions to the problem. If an initial meeting does not resolve the problem, the superintendent or superintendent's designee shall implement interventions that best address the problem. The interventions may include, but are not limited to:~~

- ~~(1) Frequent communication between the teacher and the family;~~
- ~~(2) Changes in the learning environment;~~
- ~~(3) Mentoring;~~
- ~~(4) Student counseling;~~
- ~~(5) Tutoring, including peer tutoring;~~
- ~~(6) Placement into different classes;~~
- ~~(7) Evaluation for alternative education programs;~~
- ~~(8) Attendance contracts;~~
- ~~(9) Referral to other agencies for family services; and~~
- ~~(10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.~~

~~Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing a plan to address the student's habitual truancy.~~

A-1. The principal, upon determining that a student is truant under subsection 1, shall send a certified letter, return receipt requested, or hand deliver a letter to the parent or guardian giving notice of the potential jeopardy of the student's status in the student's grade and giving notice that the student has been referred to a response to intervention team.

A-2. A student who is determined truant under subsection 1 must be referred to the school's response to intervention team. The response to intervention team shall determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If

the response to intervention team determines that a negative effect exists, the team shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is not limited to:

- (1) Frequent communication between the teacher and the family;
- (2) Changes in the learning environment;
- (3) Mentoring;
- (4) Student counseling;
- (5) Tutoring, including peer tutoring;
- (6) Placement into different classes;
- (7) Consideration of multiple pathways as described under section 4703;
- (8) Attendance contracts;
- (9) Referral to other agencies for family services; and
- (10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents or guardian to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy.

~~B. As part of correcting the problem informally, the superintendent or superintendent's designee shall require the student and the student's parents to attend one or more meetings with the student's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to reinforce the plan developed in paragraph A or to develop an alternative plan. The meeting or meetings may involve the presence of others, including, but not limited to, case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections. The superintendent or superintendent's designee shall arrange mutually convenient meeting times.~~

B-1. The superintendent shall develop procedures to refer a student who is truant to the response to intervention team in accordance with this section. These procedures may include, but are not limited to:

- (1) Identifying school personnel responsible for notifying the response to intervention team when a student is truant;
- (2) A process for referral of a student who is truant, including identifying school personnel responsible for inviting the parents or guardian and the student to participate in any meeting that results from this referral;
- (3) A timeline for setting up a meeting and developing an intervention plan under paragraph A-2;
- (4) A plan for dealing with future absences of a student who is truant; and
- (5) A plan for reporting of the results of the response to intervention team.

C. If the superintendent or superintendent's designee intervention plan of the response to intervention team developed pursuant to paragraph A-2 is unable to correct the truancy of the child, the superintendent or superintendent's designee shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

- (1) State that the student is required to attend school pursuant to section 5001-A;
- (2) Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports and principal's reports;
- (3) Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with section 5053-A and explain the possible penalties will jeopardize the student's status in the grade that the student is in;
- (4) State that the superintendent or the superintendent's designee may notify the local law enforcement department of a violation of this statute section 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and

(5) Outline the plan developed to address the student's ~~habitual~~ truancy and the steps that have been taken to implement that plan.

~~D. Prior to notifying the local law enforcement department under paragraph E, the superintendent or superintendent's designee shall schedule at least one meeting as required in paragraph B and may invite a local prosecutor.~~

~~E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent or superintendent's designee shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.~~

F. When a student is determined habitually to be truant and in violation of section 5001-A and the response to intervention team and the superintendent or superintendent's designee ~~has~~ made a good faith attempt to meet the requirements of paragraph BB-1, the superintendent or superintendent's designee shall notify the school board and the local law enforcement department of the student's truancy. ~~After this notification, a local law enforcement officer who sees the truant student may transport the truant student to the appropriate school if the truant student:~~

~~(1) Is off school grounds during school hours; and~~

~~(2) Is not under the supervision of school personnel.~~

3. Reports. This subsection applies to reports of ~~habitual~~ truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

(1) Identify the number of ~~habitual~~ truants in the school administrative unit in the preceding school year;

(2) Describe the unit's efforts to deal with ~~habitual~~ truancy;

(3) Account for actions brought under this section including the number of truants reported to the response to intervention team; and

(4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

Sec. 15. 20-A MRSA §5052-A, as amended by PL 2007, c. 143, §1, is further amended to read:

§ 5052-A.Attendance coordinators

The following provisions apply to attendance coordinators.

1. Appointment. The following provisions apply to the ~~election~~appointment of attendance coordinators.

A. A school ~~boards~~superintendent shall ~~elect~~appoint an attendance coordinator or coordinators.

B. Vacancies ~~shall~~must be filled as they occur.

2. Qualifications. An attendance coordinator ~~shall~~must be a professionally certified or registered person licensed to practice in the mental health, social welfare, school counseling or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

A. ~~When notified by a principal that a student's attendance is irregular, interviewing the student and the parent or parents or guardian or guardians~~Interviewing a student whose attendance is irregular and meeting with the student and the parents or guardian to determine the cause of the irregular attendance and filefiling a written report with the principal;

B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants;

C. Serving as a member of the dropout prevention committee in accordance with section 5103; ~~and~~

C-1. Serving as a member of the response to intervention team to the extent that it pertains to truancy; and

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under sections 5001-A and 5051-A.

4. Department assistance. The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.

5. State subsidy. The salary and benefit costs of attendance coordinators are eligible for state subsidy under chapter 606-B.

Sec. 16. 20-A MRSA §5053-A, sub-§1, as amended by PL 2007, c. 304, §8, is further amended to read:

1. Civil violation. If a parent has control of a student who is ~~habitually~~ truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not more than \$250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

Sec. 17. 20-A MRSA §5053-A, sub-§2, as enacted by PL 2003, c. 533, §5, is amended to read:

2. Dispositions. The court may also order a parent adjudicated as violating subsection 1 to take specific action to ensure the child's attendance at school; comply with the intervention plan developed in accordance with section 5051-A, subsection 2, paragraph AA-2; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

Sec. 18. 20-A MRSA §5053-A, sub-§4, as amended by PL 2007, c. 304, §9, is further amended to read:

4. Prima facie proof. Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 710 cumulative full days of absences or 5 consecutive school days of absences, excused or otherwise, that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the parent is primarily responsible for the child's ~~habitual~~ truancy or the parent failed to take corrective measures for the child's ~~habitual~~ truancy.

Sec. 19. 20-A MRSA §5054, as enacted by PL 1989, c. 415, §26, is amended to read:

§ 5054. Employment of truants prohibited

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is ~~habitually~~ truant as defined in this subchapter without a release from the student's supervising superintendent of schools ~~shall be~~ subject to the penalty provided in Title 26, section 781.

Sec. 20. 20-A MRSA §5151, sub-§2, ¶J, as enacted by PL 1985, c. 774, §5, is amended to read:

J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion;

Sec. 21. 20-A MRSA §5154 is enacted to read:

§ 5154. Department assistance

The commissioner may expend and disburse funds to school administrative units for the support of interventions that may prevent a student from becoming a truant or a dropout.

1. Mental health and substance abuse services fund. A mental health and substance abuse services fund is established to provide funds for school administrative units to provide mental health and substance abuse services to a student who is struggling with mental health and substance abuse issues and who is at risk of becoming a truant or a dropout.

2. Educational services for expelled students fund. An educational services for expelled students fund is established to provide funds to school administrative units to provide educational services in an alternative setting for a student who has been expelled from school or who is at risk of becoming a truant or a dropout.

School administrative units may request disbursements from the funds established under this section to provide appropriate intervention programs and services. The commissioner's consultant on truancy, dropouts and alternative education under section 5151 shall provide technical assistance to school administrative units requesting a disbursement from these funds.

Sec. 22. 20-A MRSA §15676, sub-§2, as amended by PL 2005, c. 2, Pt. D, §39 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

2. Other staff costs. The salary and benefit costs for school-level staff who are not teachers, but including attendance coordinators under section 5052-A and substitute teachers, that are necessary to carry out this Act, calculated in accordance with section 15679, adjusted by the regional adjustment under section 15682 and reduced by the amount of funds received by the school administrative unit during the most recent fiscal year under Title 1 of the federal Elementary and Secondary Act of 1965, 20 United States Code, Section 6301 et seq.; and

Sec. 23. 20-A MRSA §15679, sub-§6, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

6. Total salary and benefit costs for staff. The total salary and benefit costs for staff is equal to the sum of:

- A. The estimated salary costs determined pursuant to subsection 4;
- B. The amount, as determined by the commissioner, that equals the statewide percentage of estimated salary costs determined pursuant to subsection 4 that represents the statewide benefit costs; ~~and~~
- C. The substitute teacher salary costs determined pursuant to subsection 5-; and
- D. The attendance coordinator salary costs determined pursuant to subsection 7.

Sec. 24. 20-A MRSA §15679, sub-§7 is enacted to read:

7. Salary costs for attendance coordinators. The commissioner shall calculate the additional salary costs for attendance coordinators under section 5052-A for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C. In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of an attendance coordinator for half a day.

Sec. 25. 22 MRSA §4002, sub-§1, as amended by PL 2007, c. 304, §10, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, ~~paragraph C~~; by a person responsible for the child.

Sec. 26. 26 MRSA §775, sub-§2, ¶A, as enacted by PL 1991, c. 544, §5, is amended to read:

A. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not habitually truant, not under suspension and passing a majority of courses during the current grading period. Upon request of the minor, the superintendent may waive the requirements for one grading period if, in the opinion of the superintendent, there are extenuating circumstances or if imposing the requirements would create an undue hardship for the minor;

Sec. 27. 30-A MRSA §451, sub-§9, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Is habitually truant;

Sec. 28. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 211, subchapter 2, in the subchapter headnote, the words "habitual truants" are amended to read "truants" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 29. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Mental Health and Substance Abuse Services

Initiative: Provides funds for school administrative units to provide mental health and substance abuse services for students struggling with mental health and substance abuse issues.

GENERAL FUND	2011-12	2012-13
All Other	\$500,000	\$500,000
GENERAL FUND TOTAL	\$500,000	\$500,000

Educational Services for Expelled Students

Initiative: Provides funds to school administrative units to provide educational services for students expelled from school.

GENERAL FUND	2011-12	2012-13
All Other	\$100,000	\$100,000
GENERAL FUND TOTAL	\$100,000	\$100,000

EDUCATION, DEPARTMENT OF	2011-12	2012-13
DEPARTMENT TOTALS	\$600,000	\$600,000
GENERAL FUND	\$600,000	\$600,000
DEPARTMENT TOTAL - ALL FUNDS	\$600,000	\$600,000

SUMMARY

This bill implements the recommendations of the stakeholder group established by the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge provided to the stakeholder group was to develop methodologies and recommendations relating to increasing high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The bill accomplishes the following.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the 4-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a 5-year cohort and a 6-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.

2. It changes the law regarding compulsory school age by reducing the age when a child must start school from 7 to 6 years of age and by increasing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 17 to 20 years of age. The bill also amends the exceptions to the compulsory school age requirements.

3. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student. It describes response to intervention teams for schools and their duties, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.

4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators. In current law, school attendance coordinators are elected. It establishes that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

5. It directs school boards to review policies and procedures established for the code of conduct and school discipline, including provisions that encourage school boards to focus the code of conduct

on positive intervention and expectations rather than unacceptable student behavior and to focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. The bill also requires that schools provide notice to parents or legal guardians of a student's suspension regardless of whether it is an in-school or out-of-school suspension and discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to require that all students who have been expelled from school must be provided with a written reentry plan, developed by the superintendent in consultation with the student and the student's parents or legal guardian, that provides guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

8. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

9. The bill also provides for an ongoing appropriation of funds to the Department of Education to disburse to school administrative units that request funding for providing appropriate interventions to students who are at risk of becoming truants or dropouts due to an expulsion from school or who struggle with mental health and substance abuse issues.